Federal Communications Commission   DA 02-2537

**Before the
Federal Communications Commission
Washington, DC 20554**

OCT 7 2002

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Indianapolis Marion County	)	File No. SLD-331522
Indianapolis, Indiana	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

ORDER

Adopted: October 4, 2002   **Released: October 7, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1.   This Order dismisses the Request for Review filed by Indianapolis Marion County Public Library (Indianapolis Marion County), Indianapolis, Indiana.' Indianapolis Marion County seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) on May 8, 2002.[2] The Commission received Indianapolis Marion County's Request for Review on August 19, 2002.[3]

2.   Indianapolis Marion County asserts that it did not receive the May 8, 2002 Administrator's Decision on Waiver Request, and became aware of the decision only after having contacted SLD. A review of the record indicates that SLD did issue an Administrator's Decision on Waiver Request on May 8, 2002. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration!

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[1] Letter from Edward M. Szynaka, Indianapolis Marion County Public Library, to Federal Communications Commission, filed August 19, 2002 (Request for Review).

[2] *See* Request for Review; Letter from the School and Libraries Division, Universal Service Administrative Company, to Janet Pringle-Blanche, Indianapolis Marion County Public Library, dated May 8, 2002 (Administrator's Decision on Waiver Request). Section 54.719(c) of the Commission's **rules** provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

[3] *See* Request for Review

[4] *See Request for Review by Whitehall City School District,* Docket Nos. 96-45 and 91-21, Order, DA 00-1892 (rel. August 18, 2000); *Juan Galiano,* Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) ("[I]f the

3. For requests seeking review of decisions issued on or after August 13,2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks **to** have reviewed.' Documents are considered to be filed with the Commission only upon receipt.[6] Because the instant Request for Review was not filed within the requisite 60-day period, it will be dismissed without further consideration.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, **47** C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on **August** 19,2002, by Indianapolis Marion County Public Library, Indianapolis, Indiana, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifer
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.").

[5] 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service,* CC Docket No. 96-45, Order, FCC 01-376 (rel. December *26,* 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service,* CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28,2001 and January 4,2002); SLD website, **What's** New (January 20, 2002), <http://www.sl.universalservice.org/whatsnew/012002.asp#extend3ed>.

[6] 47 C.F.R. § 1.7.